

710 RESTRICTIONS AND CLOSURES

A. STATE AUTHORITY FOR RESTRICTIONS AND CLOSURES

State of Montana fire restrictions and closures are normally implemented under the authority of the Montana Forest Fire Rules and Regulations, rules IX and X. The parent law for the regulations is Montana Code Annotated (MCA) 76-13-109. Under these regulations, the Administrator of the Division of Forestry may invoke fire restrictions by issuing a proclamation. He must ask for voluntary compliance first, and only if that fails can he direct or order compliance. This is a key consideration when the State and the Forest Service are developing a joint program. Closure under these regulations must be done by the Governor, not the Administrator, and the regulations provide for the issuance of entry permits. A Fish and Wildlife law (MCA 87-3-106) allows the Governor to close areas of high fire danger to hunting and fishing. This is done upon petition by the County Commissioners, and the Administrator of the Forestry Division acts as an advisor to the Governor and establishes prevention and pre-suppression requirements which the counties must meet before the Governor issues a closure order. In addition to the hunting and fishing prohibitions, this law permits the Governor to close an area to all but essential activities. It is most commonly used in eastern Montana during fall hunting seasons.

The Governor may also use part of the Military Affairs and Disaster and Emergency Services laws to close an area. MCA 10-3-103 defines an emergency or disaster as a fire or condition that could be considered a disaster or emergency. MCA 10-3-104 allows the Governor to direct or compel the evacuation of all or part of the population from an emergency or disaster area within the State if he considers such action necessary to the preservation of life and property. Under this law, the Governor can limit and restrict ingress and egress to any disaster or emergency area. Although the State seldom invokes this law it is important to know of its existence. It is the law that contains the Governor's police power, and it can be used to limit or prohibit Forest Service activities on National Forest System Lands. Actions under this law are processed through the county and state offices of the Department of Disaster and Emergency Services and may bypass the Forestry Division.

B. COORDINATION

Restriction and closure actions require a high degree of coordination between DNRC and other fire protection agencies. This coordination must occur at three distinct levels: Land Office, Zone and Forestry Division. The restriction and closure process must include interaction with other land offices, other fire protection agencies and the public, and it must be continuous from the time the action is conceived until the restrictions and/or closures are lifted. The roll of the Land Office and DOF is outlined in the NRCG Restrictions and Closures Document in Appendix A.

711 FIRE PREVENTION RESPONSIBILITIES

The following is a listing of the duties/responsibilities expected of the Department, Fire & Aviation Management Bureau Prevention Section, Land Offices, and Units:

A. DEPARTMENT

- The office of the State Forester will coordinate all requests for restrictions and closures as well as the lifting of restrictions and closures with the Governor's Office.

B. FIRE & AVIATION MANAGEMENT BUREAU - PREVENTION SECTION

- Provide program direction and technical assistance to the Land Offices in areas of fire prevention policy and problem solving.
- Procure and distribute CFFP, and other fire prevention materials.
- Keep Montana Green program coordination.
- Compile and distribute annual fire report statistics for each Land Office.
- Smokey Bear costume checkout.
- Assists Office of the State Forester in effecting restrictions and closures.

C. LAND OFFICES

- Provide leadership, and both technical and staffing assistance for Unit prevention programs.
- Distribute CFFP material to Units.
- Draft annual Land Office fire prevention plan.
- Analyze annual fire report prevention statistics.
- Take proper actions to notify the public of the May 1st fire season (burning permit) requirements/restrictions.
- Carry out Land Office level judging and awards presentation for the annual KMG poster contest fire prevention media releases and interviews.
- Coordinate fire prevention activities with cooperators (USFS, BNSF, MRL, Plum Creek, County agencies, DOI, etc.).

D. UNITS

- Analyze yearly man-caused fire statistics to prioritize prevention actions.
- Draft annual fire prevention plan.
- With occasional Land Office assistance, implement on-the-ground prevention projects, e.g., school visits, industrial inspections, signing, issuing permits, personal contacts, enforcing restrictions/closures, etc.

E. COOPERATIVE ASSOCIATIONS

Every organization or corporation associated with wildfire is concerned with wildfire prevention. That adds up to many people with many different perspectives on the problem. Yet with all these diverse views on prevention, the goal is a common one: a bottom line reduction of man-caused fires in their area. Cooperation therefore, is advantageous to everyone involved, for several reasons.

- Eliminates duplication of efforts.
- Less confusion on the part of the public because of a more unified program and message.
- Sharing of information between cooperators.

Cooperative associations can take different forms depending on who is involved. For instance, a formal, legally binding agreement has been established between Montana Rail Link and the DNRC. With the USFS a local informal association is all that is really necessary. Both types of agreements are effective and can benefit the DNRC prevention program greatly. It is recommended that the appropriate Unit and Land Office representatives both participate in establishing these agreements with local cooperators. For statewide agreements, the Fire & Aviation Management Bureau will also be involved.

Examples of current cooperative associations are:

1. **Railroads**

See Appendix D.

2. **Private Forest Industry (Plum Creek, Etc.)**

These companies generally have realized the importance of wildland fire prevention and are willing cooperators. Almost all of the larger corporations and mills give financial support to the Keep Montana Green Association.

3. **Other Agencies/Counties**

The fire prevention programs in this group range from fairly advanced to non-existent. Yet, we all share the same goal, and much benefit can come from working together. An example of a more structured cooperative association is the Missoula County Fire Protective Association, which is composed of the USFS, Missoula Rural FD, Missoula City, Frenchtown, the DNRC, and others.

On the agency (state and federal) level, meetings of such groups as the Northern Rockies Coordinating Group (NRCG) discuss and approve interagency cooperation in prevention and other areas. The cooperation and implementation of local levels is left up to the respective Land Offices and Units.

F. FIRE PREVENTION MOBILIZATION GUIDE

See Appendix B.

The Fire Prevention Mobilization Guide depicts levels of fire prevention activity, which should take place at varying fire danger rating levels, based on local NFDRS Staffing Levels. It has been included in this manual to serve as an example of what it is and how it works. Keep in mind that not all activities apply to all Areas, and it may require some local interpretation or adaptation.

This chart is designed to be used as a reference and should be consulted on a regular basis as fire danger conditions change.

G. PROGRAM EVALUATIONS

During the planning stage of any project, the expected or desired results should be determined ahead of time. These goals and objectives are what we judge the program by to determine its success or progress. If we don't keep the end result in mind, our prevention program won't get the direction it needs, and it will struggle or fail.

To keep the prevention program on track the planner needs to include: 1) specific objectives that outline clearly what the end accomplishment will be; 2) a means of ongoing monitoring and follow-up of projects, and 3) criteria for evaluation of the end result.

1. **Monitoring/Follow-up**

Whereas the end result evaluation may show we went astray somewhere, the monitoring and follow-up will assure the program goes as planned and will keep you on track. Provisions for monitoring and follow-up should be built into the action plan so that progress or accomplishment can be recorded as it occurs. This will also provide information on end results and project accountability at the end of the season.

2. Yearly Evaluation

In the overall evaluation of the prevention program there are several key items to look at. The following are some but there may be others specific to your plan:

a. Specific Goals/Objectives to Be Met

- Are they realistic?
- Could you do more?
- Do they accurately address the problems?

These don't have to be chiseled in stone. The fire prevention planning process needs to be flexible enough to change to meet new challenges, yet specific enough to offer strong guidance for the program.

b. Priority of Actions

In analyzing and assigning priorities, it is important to remember to anticipate problem areas. Trends that indicate emerging problems are best addressed early on.

c. Cost

- Was it money well spent?
- What can I do to make the program more cost-effective?

It is an important consideration with the limited money and resources available for fire prevention to invest in things that give us the biggest impact for the money.

d. Commitment

- How much are you getting and from whom?
- Is it adequate?

No prevention program can function without commitment. It is up to the planner to enlist the commitment beforehand that will be needed to get the job done.

e. Activities

- What was done?
- When and by whom?
- Was it worthwhile?